

## Declaration, Petition, and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### CHOCOLATE PROCESSING MACHINE

the specification of which

(check one)

☒ [X] is attached hereto.

☐ [ ] was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: NONE

Prior Foreign Application(s)

Priority Claimed

\_\_\_\_\_  
(Number)      (Country)      (Day/Month/Year Filed)

☐ [ ]      ☐ [ ]  
Yes      No

\_\_\_\_\_  
(Number)      (Country)      (Day/Month/Year Filed)

☐ [ ]      ☐ [ ]  
Yes      No

\_\_\_\_\_  
(Day/Month/Year Filed)      Yes    No

[ ]    [ ] Number) (Country)

I hereby claim the benefit under Title 35, United States Code Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: NONE

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status-Patented, pending, abandoned)
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_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status-Patented, pending, abandoned)
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Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

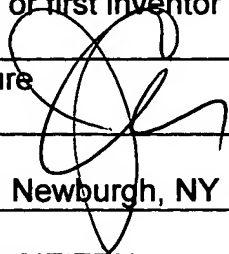
Joseph L. Spiegel, Registration No. 19,450

Send Correspondence to:

Joseph L. Spiegel, 272 Mill Street, Poughkeepsie, NY 12601

Direct Telephone calls to: *(name and telephone number)*

Joseph L. Spiegel, (914) 452-7400

Full Name of sole or first inventor Jeffrey M. Babicz	
Inventor's Signature 	Date 10/17/03
Residence 46 Fletcher Drive, Newburgh, NY 12550	
Citizenship UNITED STATES CITIZEN	
Post Office Address 46 Fletcher Drive, Newburgh, NY 12550	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f)  
and 1.27(b))--INDEPENDENT INVENTOR

Attorney Docket No. S 102-01

In re Patent Application of: Jeffrey M. Babicz

Executed: October , 2003

For: Chocolate Processing Machine

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled CHOCOLATE PROCESSING MACHINE described in

- ☒ the specification filed herewith
- ☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9 (e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization
- ☒ persons, concerns or organization listed below\*

ChocoVision Corporation

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME Jeffrey M. Babicz

ADDRESS 46 Fletcher Drive, 46 Fletcher Drive, Newburgh, NY 12550

[X] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

[XX] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

[XX] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Jeffrey M. Babicz

NAME OF INVENTOR

NAME OF INVENTOR

NAME OF INVENTOR

SIGNATURE OF INVENTOR

SIGNATURE OF INVENTOR

SIGNATURE OF INVENTOR

DATE

DATE

DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f)  
and 1.27(c)—SMALL BUSINESS CONCERN

Attorney Docket No. S 102-01

In re Patent Application of: Jeffrey M. Babicz

Executed: October , 2003

For: Chocolate Processing Machine

I hereby state that I am

an official of the small business concern identified below.

NAME OF SMALL BUSINESS CONCERN ChocoVision Corporation

ADDRESS OF SMALL BUSINESS CONCERN 14 Catherine Street, Poughkeepsie, NY 12601

I hereby state that the above-identified small business concern qualifies as a small business concern as defined in 13CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time basis, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☒ the specification filed herewith with title listed above.

☐ the application identified above.

☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other

than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a non-profit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

☒ no such person, concern, or organization exists.

☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying the earliest of the issue fee or any maintenance fee due after the date on which the status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

NAME OF PERSON SIGNING Jeffrey Carano

TITLE OF PERSON IF OTHER THAN OWNER Operations Manager

ADDRESS OF PERSON SIGNING 14 Catherine Street, Poughkeepsie, NY 12601

SIGNATURE  DATE 10/11/07